



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner:
Eddie F. Ray III)	Pedro Philogene
)	
Serial No.: 10/689,277)	Group Art Unit: 3733
)	
Filed: October 20, 2003)	Attorney Docket: MSDI-269/PC545.02
)	
METHODS AND INSTRUMENTATION)	February 11, 2010
FOR VERTEBRAL INTERBODY)	
FUSION)	

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned attorney of record hereby represents that the owner Warsaw Orthopedic, Inc., a corporation of the State of Indiana, having a principal place of business at 2500 Silveus Crossing, Warsaw, Indiana 46581, and successor in interest to SDGI Holdings, Inc., has a 100% ownership interest in the instant application and in U.S. Patent No. 6,635,062 as evidenced by the following documents:

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140.00 OP

Assignment of U.S. Patent No. 6,635,062 and the present application, which is a continuation of U.S. Patent No. 6,635,062 from Eddie F. Ray, III and James P. Duncan to SDGI Holdings, Inc. as recorded by the U.S. Patent and Trademark Office on October 15, 2001 at Reel 012264, Frame 0328. SDGI Holdings, Inc. has merged into Warsaw Orthopedic, Inc., as indicated by the recordal of the merger documents in U.S. Patent No. 6,635,062 at Reel 018720, Frame 0500.


The undersigned attorney of record, on behalf of the owner, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term of U.S. Patent 6,635,062 (hereafter "the '062 patent"), as the term of the '062 patent is defined in 35 U.S.C. §§154 and 173, and as the term of the '062 patent is presently shortened by any terminal disclaimers. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any such patent granted on the '062 patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§154 to 156 and 173 of the '062 patent, as the term of any such patent is presently shortened by a terminal disclaimer, in the event that any such patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321; has all claims cancelled by a reexamination certificate; is reissued; or is in any

manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Enclosed is the statutory fee of \$140.00 pursuant to 37 C.F.R. §1.20(d). In addition, please provide any extensions of time that may be necessary and charge any fees that may be due to Deposit Account No. 12-2424, but do not include any payment of issue fees that are or may become due.

Respectfully submitted,

By: 
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